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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                               | CONFIRMATION NO.                          |
|--|-------------|----------------------|---|---|
| 10/735,586   | 12/12/2003  | Valeri Atamaniouk    | NOKM.078PA  | 1728                                      |
| <div><div>7590</div><div>08/27/2007</div><div>Hollingsworth &amp; Funk, LLC<br/>Suite 125<br/>8009 34th Avenue South<br/>Minneapolis, MN 55425</div></div> |             |                      |   |   |
|  |             |                      | <div>EXAMINER</div> <div>WON, MICHAEL YOUNG</div> |   |
|  |             |                      | <div>ART UNIT</div> <div>2155</div>               | <div>PAPER NUMBER</div>                   |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/735,586

Applicant(s)

ATAMANIOUK, VALERI

Examiner

Michael Y. Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the amendment filed July 2, 2007.
2. Claims 1, 6, 11, and 13-15 have been amended.
3. Claims 1-15 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 13 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The language of claims 13 and 15 raises questions as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

The applicant(s) claim "A computer-readable medium" but does not define within the body of the claim the hardware in which the invention runs. Thus, absent recitation of the server or some other hardware, claims 13 and 15 are not limited to a tangible embodiment, instead being sufficiently broad to encompass software, per se.

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The examiner encourages applicant to define within the claims the embodied features and limitations on a "storage" computer readable medium such as hard drives, disks, and other hardware elements. An example of a proper format would be "a machine readable code" or "program product"... "encoded on a computer readable storage medium".

On page 14, lines 9-15, of the specification, the applicant(s) have provided evidence that the applicant intends the medium to include signals as such that the claim is drawn to a form of energy (carrier wave, transmitting medium or other propagation medium). Energy is not one of the four categories of invention and therefore this claim is not statutory. Energy is not a series of steps or acts and thus not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not combination of substances and therefore not a composition of matter.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Colson et al. (US 6,708,217).

As per **claim 1**, Colson teaches a communication system optimized for multipart responses, the communication system comprising:

a client adapted to request content from the communication system, the request for content including an indicator that a multipart response is desired for the client (see col.4, lines 35-41: "each of the messages indicating a particular content type which the device is capable of rendering");

a proxy coupled to receive the request for content and adapted to access the communication system for the requested content (see Fig.2, #220 and col.7, lines 11-14: "added to an existing proxy"); and

a server coupled to the proxy to provide the requested content (see Fig.2), wherein the proxy is adapted to provide a single part response to the client, the single part response including an indicator to signal that a subsequent multipart response (see col.2, lines 19-27: "multipart/mixed", "multipart/parallel", "multipart/alternative", "multipart/digest") that is related to the single part response will be sent to the client (see col.2, lines 4-13: "The first part is a header describing the returned document, and the second part is the document itself").

As per **claim 2**, which depends on claim 1, Colson further teaches wherein the request for content comprises a Hyper Text Transfer Protocol (HTTP) request having a request header (see col.4, lines 26-29: "document request may be generated as a HyperText Transport Protocol (HTTP) message")

As per **claim 3**, which depends on claim 2, Colson further teaches wherein the request header includes the indicator that a multipart response is desired (see col.4,

lines 35-41: "each of the messages indicating a particular content type which the device is capable of rendering").

As per **claim 4**, which depends on claim 1, Colson further teaches wherein the single part response comprises a Hyper Text Transfer Protocol (HTTP) response having a response header (see col.2, lines 11-12: "The first part is a header describing the returned document").

As per **claim 5**, which depends on claim 4, Colson further teaches wherein the response header includes the indicator that a multipart response will be subsequently transmitted (see col.2, lines 4-13: "typically returns a requested document to the browser as a two-part transmission" & lines 19-27: "HTTP header preferably uses the content type").

As per **claim 6**, Colson teaches a method for multipart response optimization, comprising:

generating a first request for content, the first request including a multipart response expectation indicator that indicates a client generating the first request is capable of receiving a response with multiple parts of content (see col.4, lines 35-41: "each of the messages indicating a particular content type which the device is capable of rendering");

generating a first response to the first request for content, the first response including a multipart response capability (see col.2, lines 19-23: "When the response includes multiple documents or document parts having multiple content types, then the

HTTP header preferably... indicate that a multipart message with data in more than one is being sent”);

generating a second request for content by the requestor (see col.4, lines 38-39: “each message”); and

generating a second response to the second request for content, wherein the second response includes a format that is indicative of the multipart response capability indicator and includes particular multiple parts of content for the client associated with the second requests for content (see col.2, lines 19-23: “When the response includes multiple documents or document parts having multiple content types, then the HTTP header preferably... indicate that a multipart message with data in more than one is being sent”). (**NOTE:** performing the same function more than once does not render the invention novel)

As per **claim 7**, which depends on claim 6, Colson further teaches wherein a lack of multipart response capability is signaled by an absence of a multipart response capability indicator (see col.4, lines 35-41: “each of the messages indicating a particular content type which the device is capable of rendering”).

As per **claim 8**, which depends on claim 7, Colson further teaches wherein the second request for content is one of a plurality of parallel requests for single part content (see Fig.2 and col.4, lines 35-41: “sending, from the one or more devices on which the plurality of content renderers are executing”).

As per **claim 9**, which depends on claim 6, Colson further teaches wherein support for the multipart response capability, is signaled by a multipart response

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capability indicator (see col.4, lines 35-41: "each of the messages indicating a particular content type which the device is capable of rendering").

As per **claim 10**, which depends on claim 9, Colson further teaches wherein the second request for content is a single request for multipart content (see claim 6 rejection above).

As per **claim 11**, Colson teaches a mobile terminal wirelessly coupled to a network which includes a proxy coupled to the network, the mobile terminal comprising:

a memory capable of storing at least a multipart header module (see col.10, lines 33-35: "using a caching technique");

a processor coupled to the memory and configured by the multipart header module to generate content requests having a multipart response expectation indicator that indicates the mobile terminal is capable of receiving a response with multiple parts of content (see col.4, lines 35-41: "each of the messages indicating a particular content type which the device is capable of rendering"); and

a transceiver configured to facilitate a content response exchange with the proxy (see Fig.2 and col.5, lines 58-61: any type of computing device, connected to a wireless network"), wherein the multipart header module is further configured to search the content response for a multipart capability indicator and receive content that includes particular multiple parts of content in response to the existence of the multipart capability indicator in the content (see col.7, line 57-col.8, line 14: "After locating the entry...").



As per **claim 12**, which depends on claim 11, Colson further teaches wherein existence of the multipart capability indicator in the content response precludes generation of parallel content requests from the processor (subjective: see col.4, lines 27-45).

As per **claim 13**, Colson teaches of a computer-readable medium having instructions stored thereon which are executable by a mobile terminal for requesting optimized multipart response handling in a network by performing steps comprising:

supplying a multipart expectation indicator in a content request that indicates the mobile terminal is capable of receiving a response with multiple parts of content (see col.4, lines 35-41: "each of the messages indicating a particular content type which the device is capable of rendering");

receiving a content response to the content request (see col.2, lines 19-23: "When the response includes multiple documents or document parts having multiple content types, then the HTTP header preferably... indicate that a multipart message with data in more than one is being sent");

examining the content response for a multipart capability indication (see col.7, lines 45-col.8, line 14: "upon determining that the returned document is multi-modal...");

precluding transmission of parallel content requests when the multipart capability indication exists within the content response (see col.10, lines 57-65: "checks to see whether it hosts any content renderers capable of handling particular content types delivered... If not, then this processing is complete"); and

receiving content that includes particular multiple parts of content in response to the existence of the multipart capability indicator (see col.2, lines 19-23: "When the response includes multiple documents or document parts having multiple content types, then the HTTP header preferably... indicate that a multipart message with data in more than one is being sent").

As per **claim 14**, Colson teaches a proxy coupled to a network to detect multipart content requests, the proxy comprising:

means for receiving a first content request (see col.4, lines 61-67: "initiating a HyperText Transfer Protocol (HTTP) request from at least one of the one or more devices");

means for determining the existence of a multipart response expectation indicator in the first content request that indicates a client sending the first content request is capable of receiving a response with multiple parts of content (see col.7, lines 30-col.8, line 14: "manner in which the present invention receives and demultiplexes (and then distributes) multi-modal document content...");

means for generating a single part response in response to the existence of the multipart response expectation indicator in the first content request (see col.2, lines 4-13: "The first part is a header describing the returned document, and the second part is the document itself"); and

means for sending a multipart response to the client after a second content request is received, the multipart response being related to the single part response (see col.2, lines 19-23: "When the response includes multiple documents or document

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parts having multiple content types, then the HTTP header preferably... indicate that a multipart message with data in more than one is being sent").

As per **claim 15**, Colson teaches a computer-readable medium having instructions stored thereon which are executable by a proxy by performing steps comprising:

receiving a first content request from a client (see col.4, lines 61-67: "initiating a HyperText Transfer Protocol (HTTP) request from at least one of the one or more devices");

determining the existence of a multipart response expectation indicator in the first content request that indicates the client is capable of receiving a response with multiple parts of content (see col.7, lines 30-col.8, line 14: "manner in which the present invention receives and demultiplexes (and then distributes) multi-modal document content...");

generating a single part response in response to the existence of the multipart response expectation indicator in the first content request (see col.2, lines 4-13: "The first part is a header describing the returned document, and the second part is the document itself"); and

sending a multipart response to the client after a second content request is received, the multipart response being related to the single part response (see col.2, lines 19-23: "When the response includes multiple documents or document parts having multiple content types, then the HTTP header preferably... indicate that a multipart message with data in more than one is being sent").

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Specifically, the applicant(s) argue Coles (prior art of record) does not expressly or inherently show that clients are requesting multipart content. Furthermore, the applicant(s) argue the response of Coles is not a multipart response, "but is made of copies of the same single-part response, each tailored to the profile of a different application". For these and other reasons, a new reference, Colson et al. (US 6708,217) has been cited to explicitly teach the limitations of claims 1-15.

Colson explicitly teaches that the request is a request for multipart content (see col.4, lines 35-41). Colson further teaches that the response is a multipart response (see col.2, lines 4-7 and col.8, lines 49-53). Furthermore, Colson explicitly or inherently teaches all the limitations of claims 1-15 (see rejections above).

For the reasons above, claims 1-15 have been rejected and remain pending.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

August 24, 2007